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Attorneys for DFS Services LLC
incorrectly named in the complaint as
Discover Card Services, Inc.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

JAMES M. KINDER,

Plaintiff,

vs.

DISCOVER CARD SERVICES, Inc.
And DOES 1 through 100, inclusive,
Defendants.

Case No. 07 CV 2138 WQH (BLM)

**NOTICE OF MOTION; MOTION
FOR PARTIAL JUDGMENT ON
THE PLEADINGS**

(No Oral Argument Unless Requested
by Court)

Date: February 19, 2008
Time: 11:00 a.m.
Place: Courtroom 4th Flr.

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

Please take notice that on February 19, 2008, at 11:00 a.m., or as soon
thereafter as counsel may be heard by the above entitled Court, located at 880 Front
Street, 4th Floor, San Diego County, California 92101, defendant, DFS Services LLC
incorrectly named in the complaint as Discover Card Services, Inc. ("Discover"), will
and does hereby move this Court for Partial Judgment on the Pleadings.

1 Discover requests that the Court grant its Motion for Partial Judgment on the
2 Pleadings, pursuant to Fed.R.Civ.P. 12(c), and dismiss the claims filed by Plaintiff,
3 James M. Kinder, that Discover violated the TCPA and 47 C.F.R. § 64.1200 because
4 the "prerecorded message calls" Discover made to telephone number 619-999-9999
5 failed to identify Discover's business name and telephone number.
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9 Discover's motion is based on this Notice of Motion and Motion,
10 accompanying Memorandum of Points and Authorities, the pleadings and papers on
11 file herein and such other matters as may be presented to the Court at or before the
12 hearing on the Motion.
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16 Dated: January 2, 2008

Bidna & Keys, APLC

17 By: /s/ Harvey M. Moore

18 Harvey M. Moore

19 Attorneys for DFS Services LLC
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